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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF ARIZONA PUBLIC SERVICE
COMPANY FOR A HEARING TO
DETERMINE THE FAIR VALUE OF THE
UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX
A JUST AND REASONABLE RATE OF
RETURN THEREON, TO APPROVE RATE
SCHEDULES DESIGNED TO DEVELOP
SUCH RETURN.

DOCKET NO. E-01345A-19-0236

**APPLICATION OF NAVAJO NATION
FOR LEAVE TO INTERVENE AND
CONSENT TO EMAIL SERVICE**

APPLICATION TO INTERVENE

Pursuant to A.A.C. R14-3-105, the Navajo Nation ("Nation") hereby petitions the Arizona Corporation Commission ("Commission") for an Order granting the Navajo Nation leave to intervene in the above captioned proceeding.

1. The Navajo Nation is a sovereign nation situated in Arizona, New Mexico and Utah. It spans over 27,000 square miles making the Nation the tribe with the largest recognized land mass in the United States. The Nation is the most populous southwest regional tribe, with approximately 330,000 enrolled members. There are 110 chapter houses, or local forms of government, on the Navajo Nation. The Navajo Nation is led by

President Jonathan Nez, Vice President Myron Lizer and the Navajo Nation Council from the capital in Window Rock, Arizona.

The Commission should grant the Nation leave to Intervene for the following reasons:

2. The Navajo Nation is facing the impacts of the closure of several of its largest employers located on the Nation: Navajo Generating Station (NGS), owned in part by Arizona Public Service Company¹, and Kayenta Mine, owned by Peabody Western Coal Company, as well as the San Juan Generating Station (SJGS) and San Juan Mine. All of these facilities provided highly skilled, high paying, local employment for members of the Navajo Nation. Additionally, NGS and the Kayenta Mine paid royalties, lease payments and taxes to the Navajo Nation government. Due to the closure of NGS and the Kayenta Mine, the Navajo government is facing a 25 percent decrease in its General Fund revenue. Additionally, APS recently announced that it will exit all of its coal assets by the year 2031, including the Four Corners Power Plant, which is located on the Navajo Nation and today provides energy to APS customers.²
3. In docket E-01345A-16-0036, the Administrative Law Judge, in the Recommended Opinion and Order, opined that, "given recent events surrounding the closure of NGS and SJGS, we believe that it is reasonable to require APS to begin establishing a transition plan for Four Corners and the impacted communities. Accordingly, APS should file as part of its next rate case a proposed initial transition plan for Commission consideration."³ The Commission's Utilities Division also supported development of a

¹ The other owners are Salt River Project Agricultural Improvement and Power District (SRP), Tucson Electric Power Company, Nevada Power Company d/b/a NV Energy, and previously Los Angeles Department of Water and Power. SRP also holds an ownership interest in NGS on behalf of the United States.

² See <https://www.aps.com/en/About/Our-Company/Clean-Energy>; see also <https://www.azcentral.com/story/money/business/energy/2020/01/22/arizona-public-service-to-end-all-carbon-emissions-by-2050-ceo-jeff-guldner-says/4530389002/>

³ Recommended Opinion and Order filed November 27, 2018, page 17.

transition plan and fund to provide an economic glide path from coal for tribal communities.⁴

4. The Navajo Nation's government and tribal members will be directly and substantially affected by the proposed transition plan that is to be addressed over the course of this rate case. The Nation intends to provide evidence on this matter, and on the potential for the development and procurement of renewable energy on tribal lands by APS.
5. Furthermore, numerous Navajo Nation members are APS customers or reside in APS service territory, which includes portions of the Western region of the Navajo Nation.
6. The Navajo Nation is familiar with the issues in this case and its participation in this proceeding as an intervenor will not broaden the issues nor unduly delay the proceeding.

For the reasons outlined above, the Navajo Nation respectfully requests that the Commission grant this Application for Leave to Intervene in this matter.

7. The Navajo Nation requests that all communications in connection with the above captioned proceeding be directed to:

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CONSENT TO EMAIL SERVICE

The party signing below hereby consents to receive service of each filing in the above-captioned docket, including each filing made by another party, each filing made by a

⁴ Staff's Post-Hearing Brief, filed September 24, 2018, Page 11.

Commissioner, each Procedural Order, each Recommended Opinion and Order, each Recommended Order, and each Decision, via an email sent to the email address set forth for the party below (the "designated email address"). The party understands and agrees that through the filing of this Consent to Email Service, each representative of the party consents to email service and, thus, that after this Consent to Email Service is approved, no representative of the party will receive service by U.S. Mail unless and until this Consent to Email Service is withdrawn through a subsequent filing.

The party further understands and agrees that each email providing service of a filing may include a link to access the filing online rather than an electronic copy of the filing and, further, that the receipt of such an email may occur either on the date the filing is made or as soon as possible thereafter. The party certifies that the designated email address is a valid and active email address to which the party has regulator and reliable access.

Unless the party is represented in this matter by counsel who has had consent to email service approved in another docket using the same designated email address, in which case no verification email is required, the party further certifies that the party has sent or will promptly send an email to HearingDivisionServicebyEmail@azcc.gov from the designated email address and that such email contained or will contain the docket number for this matter and the party's name.

The party further understands that the party may provide below additional email addresses for individuals to whom the party desires to have service emails sent as a courtesy.

The party understands that a Procedural Order approving the use of email service for the party will be issued in this matter upon verification by the Hearing Division that the party's email to HearingDivisionServicebyEmail@azcc.gov has been received from the designated email

address or that the party is represented in this matter by counsel who has had consent to email service approved in another docket using the same designated email address. The party further understands and agrees that service of a filing on the party shall be complete upon the first of the following to occur: (1) the sending, to the designated email address, of an email containing an electronic copy of the filing or a link to access the filing online, or (2) for a filing made by a Commissioner, the Commission Executive Director, or a Commission Division, the making of the filing with a service certification including coding indicating that an automatic service email for the filing shall be sent to each party whose consent to email service has been approved. The party further understands and agrees that it is the party's responsibility to make a filing in this Matter to update the party's designated email address if it changes. The party further understands and agrees that the party will no longer receive service in this matter through First Class U.S. Mail or another form of hard-copy delivery, unless and until the party withdraws this consent through a filing made in the above-captioned docket.

DATED this 11th day of February, 2020.

NAVAJO NATION

By: 

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CERTIFICATE OF SERVICE

ORIGINAL of the foregoing electronically filed this 11th day of February, 2020, with:

Docket Control Arizona Corporation Commission
1200 W. Washington Phoenix, AZ 85007

COPIES of the foregoing mailed/emailed this 11th day of February, 2020 to the persons identified on the attached service list (2 pages).



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